

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3149 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

ARUNBHAI SUKHDEVBHAI TRIVEDI

Versus

STATE OF GUJARAT

Appearance:

MR TJ PATEL for Petitioner

MR ND GOHIL for Respondent No. 1, 3

None present for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/10/96

ORAL JUDGMENT

Heard learned counsel for the parties. The dispute relates to non renewal of mining lease sanctioned in the name of father of the petitioner.

2. It is not in dispute that the petitioner filed an appeal against the order of refusal to grant renewal, before the State Government and that appeal too has been

dismissed. Against the order of the State Government, the petitioner filed a Revision Application before the Central Government. On 21st July 1986, this Court has made the order which reads as under:

"Rule. Interim relief in terms of para 9(B)(ii) with a specific direction that Revision Application filed by the petitioner would be decided expeditiously and preferably within three months from today, and the petitioner would go on paying legitimate dues of the respondent."

Thus, the Revision Application filed by the petitioner before the Central Government was directed to be decided expeditiously and preferably within three months from today, i.e. from 21.7.86. Interim relief has also been granted by this Court in favour of the petitioner. The petitioner's counsel states that now this writ petition has become infructuous. Otherwise also, when the petitioner has already filed a Revision Application which was efficacious alternative remedy available, this writ petition is not maintainable. By now the said Revision Application would also have been decided.

3. Taking into consideration the totality of the facts of the case, this writ petition fails and the same is dismissed. Rule discharged. Ad-interim relief granted by this Court stands vacated. No order as to costs.

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(sunil)